

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT VELLA,

Plaintiff,

v.

ADELL BROADCASTING CORPORATION,

Defendant.

Case No. 13-10061

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Robert Vella filed a two-count complaint in this court January 8, 2013. Plaintiff alleges violations of the Employee Retirement Income Security Act (“ERISA”) in Count I and violations of Michigan’s Persons with Disabilities Civil Rights Act in Count II.

Although Plaintiff’s cause of action arising under the federal statute is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff’s state law claim in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: February 27, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 27, 2013, using the ECF system.

s/William Barkholz
Case Manager